

**MEMO ENDORSED**

DEC 15 2005



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**THE CITY OF NEW YORK**  
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December 14, 2005

**BY HAND**

Honorable James C. Francis, IV  
United States Magistrate Judge  
United States Courthouse  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**USDC SDNY**  
**DOCUMENT**  
**ELECTRONICALLY FILED**  
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**DATE FILED:** 12/16/05

Re: John Martini v. City of New York, et al.  
05-CV-9881 (KMK) (JCF)

Dear Judge Francis:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for Defendant City of New York. I write with respect to the referenced matter, in which plaintiff sets forth claims, *inter alia*, of false arrest and false imprisonment during the Republican National Convention.

The Defendant's time to respond to the complaint will expire on or about December 19, 2005. With this letter, the Defendants respectfully request that their time to respond be extended to and including February 17, 2006.<sup>1</sup> This request is made with the consent of plaintiff's counsel.

<sup>1</sup> In addition, plaintiff names individual Police Officers as a defendants in this matter. Without appearing or making any representations on their behalf, in the event that the officers were properly served, this office respectfully requests that the same extension be granted to them so that their defenses are not jeopardized while representation issues are being decided.

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In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, this additional time is needed to investigate the allegations of the complaint. It is our understanding that the records of the underlying criminal action, including police records, may have been sealed pursuant to New York Criminal Procedure Law § 160.50. Therefore, this office forwarded to plaintiff's counsel for execution by plaintiff a consent and authorization for the release of sealed records so that defendant can access the information, properly assess the case, and respond to the complaint.

No previous request for an extension has been made by defendant. Accordingly, it is respectfully requested that defendant's time to answer or otherwise respond to the complaint be extended to and including February 17, 2006.

Thank you.

Respectfully submitted,



Jed M. Weiss (JW 5293)  
Assistant Corporation Counsel

cc: Scott Korenbaum, Esq., Attorney for Plaintiffs (via facsimile)

12/15/05  
Application granted.  
SO ORDERED.  
James C. Francis IV  
JCF